UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,942	07/07/2003	Tooru Kitagawa	1081.1178	6654

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EXAMINER
RAHMAN, FAHMIDA

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/612,942	KITAGAWA, TOORU
	Examiner	Art Unit	
	Fahmida Rahman	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *07 July 2003*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *07 July 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7/7/2003*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-15 are pending.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7/7/2003 is in compliance with

the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is

being considered by the examiner.

Priority

Applicant's claim for the benefit of a prior-filed application PCT/JP01/00175 under 35

U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has

not complied with one or more conditions for receiving the benefit of an earlier filing date

under 35 U.S.C. [1] for the following reasons:

A reference to the prior application must be inserted as the first sentence(s) of the

specification of this application or in an application data sheet (37 CFR 1.76), if

applicant intends to rely on the filing date of the prior application under 35 U.S.C.

119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C.

120, 121, or 365(c), the reference must include the relationship (i.e., continuation,

divisional, or continuation-in-part) of all non-provisional applications. If the application is

a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000,

the specific reference to the prior application must be submitted during the pendency of

the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period

set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an

application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was

submitted in an oath or declaration or the application transmittal letter), and the

information concerning the benefit claim was recognized by the Office as shown by its

inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge

under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference

in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the

specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4, 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Meyer et al. (US Patent 6826715)

For claim 1, Meyer et al teach the following:

a **management method of hardware configuration information by a computer** (lines 55-59 of column 1) **by which hardware configuration information of each device constituting the computer is managed** (lines 38-40 of column 3), **said management method comprising the steps of:**

- **acquiring hardware configuration information of each device** (lines 47-49 of column 2) **at a plurality of predetermined timing sets** (lines 18-22 of column 25)

- **and recording the acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 49-50 of column 2, the configuration file is stored as an ASCII text file called base.log in \Windows\Cpqdiag directory).

For claim 2, Meyer et al teach the following limitations:

The management method of hardware configuration information further comprising the steps of:

- **reading out the hardware configuration information acquired in the past and recorded in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);

- **comparing the readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);

-    **and displaying the comparison result onto a predetermined display unit**

(lines 1-7 of column 3; Fig 2)

For claim 3, the predetermined timing sets are timing at the time of executing BIOS
(lines 21-22 of column 25 mention that the cpdiaga.exe may run at each startup. Thus,
the timing sets include the startup time executing the BIOS).

For claim 4, note table Compaq Diagnostics for Windows 2.11 in columns 3 through 24,
which show the version number related to each product.

For claim 7, Meyer et al teach the following limitations:

A recording medium in which a program ("stored diagnostic program" in line 60 of
column 1) **managing hardware configuration information of each device
constituting a computer** (lines 55-59 of column 1) **is stored, wherein said program
comprises:**

-    **a process of acquiring hardware configuration information of each device**
    (lines 47-49 of column 2) **at a plurality of predetermined timing sets** (lines 18-
    22 of column 25);

-    **and a process of recording said acquired hardware configuration
    information into a predetermined nonvolatile storage medium** (according to

lines 49-50 of column 2, the configuration file is stored as an ASCII text file called

base.log in \Windows\Cpqdiag directory).

For claim 8, Meyer et al teach the following limitations:

wherein said program further comprises:

- **a process of reading out hardware configuration information which was acquired in the past and is stored in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);

- **a process of comparing said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);;

- **and a process of displaying the comparison result onto a predetermined display unit** (lines 1-7 of column 3; Fig 2)

For claim 9, Meyer et al teach the following limitations:

A computer having a plurality of devices (Fig 3) **comprising:**

- **an acquisition section by which hardware configuration information of each device is acquired** (lines 47-49 of column 2 mention that the hardware

and operating system information is gathered during installation) **at a plurality of predetermined timing sets** (lines 18-22 of column 25);

- **and a recording section which records said acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 49-50 of column 2, the configuration file is stored as an ASCII text file called base.log in \Windows\Cpqdiag directory).

For claim 10, Meyer et al teach the following limitations:

- **a comparison section which reads out the hardware configuration information acquired in the past and stored in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);

- **and compares said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);

- **and a display section which displays the comparison result onto a display unit** (lines 1-7 of column 3; Fig 2)

For claim 11, the predetermined timing sets are timing at the time of executing BIOS (lines 21-22 of column 25 mention that the cpdiaga.exe may run at each startup. Thus, the timing sets include the startup time executing the BIOS).

For claim 12, note table Compaq Diagnostics for Windows 2.11 in columns 3 through

24, which show the version number related to each product.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Burgess et al. (US Patent 5758071)

For claim 13, Burgess et al teach:

A computer (14 in Fig 1) **connected through a network** (10 in Fig 1) **to another**

computer (12 in Fig 1) **having a plurality of devices** (24 in Fig 2 comprises plurality of

devices) **comprising:**

-        **a reception section** (18 of Fig 1) **which receives hardware configuration**

         information of each device (lines 31-35 of column 5; line 56 of column 5

         through line 14 of column 6) **acquired** (lines 41-43 of column 5 mention that

         the configuration procedure obtains configuration information from the O/S

         registry file. Thus, the hardware configuration of each device is acquired) **at a**

         plurality of predetermined timing sets (lines 11-12 of column 4 mention

that the performance is monitored at preset intervals) **from the other**

computer through the network (lines 20-30 of column 2 mention that the

second computer receives configuration information of first computer through

network);

- **and a recording section which records said received hardware**

    configuration information into a predetermined nonvolatile storage

    medium (lines 55-59 and lines 62-65 of column 11 mention that the data is

    stored in disk drive 36 of monitoring computer 14).

For claim 14, Burgess et al teach the following limitations:

the hardware configuration information includes a version number of a

program related to each device (lines 6-14 of column 6 mention that the driver and

services available on the system includes the version number), **and the computer**

comprises:

- **a comparison section which compares the version number of the program**

    related to each device included in the hardware configuration information

    received from the other computer with the version number of the most up-

    to-date program related to said device (lines 43-47 of column 5 mention that

    the obtained configuration information is compared with prior configuration

information. Lines 6-14 of column 6 mention that the configuration information includes version number of the driver);

- **and an update section which updates the program related to the device of the other computer to the most up-to-date program when the comparison results in inconsistency** (lines 35-38 of column 5 mention that the configuration changes on software updates and hardware upgrades are tracked. Lines 53-55 of column 5 mention that the configuration changes are sent to listeners, i.e., the second computer).

For claim 15, Burgess et al teach the following limitations:

A recording medium in which a program to be executed by a computer (14 in Fig 1) **connected through a network** (10 in Fig 1) **to another computer** (12 in Fig 1) **having a plurality of devices** (24 in Fig 2 comprises plurality of devices) **is stored, wherein said program comprises:**

-       **a process of receiving hardware configuration information** (lines 20-30 of column 2) **of each device** (lines 31-35 of column 5; line 56 of column 5 through line 14 of column 6) **acquired** (lines 41-43 of column 5 mention that the configuration procedure obtains configuration information from the O/S registry file. Thus, the hardware configuration of each device is acquired) **at a plurality of predetermined timing sets** (lines 11-12 of column 4 mention

that the performance is monitored at preset intervals) **from the other**

computer through the network (lines 20-30 of column 2 mention that the

second computer receives configuration information of first computer through

network);

-        **and a process of recording said received hardware configuration**

information (lines 29-30 of column 2) **into a predetermined nonvolatile**

storage medium ("configuration database" in lines 29-30 of column 2)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Meyer et al (US Patent 6826715) as applied to claim 1 above, in view of Burgess et al

(US Patent 5758071).

Meyer et al teach all of the limitations of claim 1 as stated above. However, Meyer et al

do not teach that

-        the computer is a client connected to a server through a network

-        Server receives the information of client computer

-        Server records the received configuration in non-volatile medium

Burgess et al teach that

- the computer (12 in Fig 1) is connected to network ("To network" in Fig 2)

- the second computer (14 in Fig 1) connected to the first computer receives the information of first computer (lines 20-30 of column 2)

- the second computer records the configuration in non-volatile medium (lines 55-59 and lines 62-65 of column 11 mention that the data is stored in disk drive 36 of monitoring computer 14)

It would have been obvious to one ordinary skill in the art to combine the teachings of Meyer et al and Burgess et al. One ordinary skill in the art would have been motivated to have computers connected in network and, acquire and store the configuration of monitored computer in a storage medium by monitoring computer, since this may help a network administrator easily obtain the history of updates of software in the network so as to be able to maintain better control of what revision of software is provided to each computer in the network (lines 33-37 of column 2).

However, the combination of Meyer et al and Burgess et al does not teach that the server computer acquires information of client computer.

It is very likely that the computers connected to network follows client/server model. One ordinary skill in the art would have been motivated to have the monitoring computer

of the combination teaching as a server computer and the monitored computer as a client computer for many reasons, such as, verifying client's identity to ensure authenticity as applied in security and cryptography.

For claim 6, note line 10-15 of column 6, which mention that the configuration information comprises version number of service or driver. In addition, lines 31-40 of column 4 mention that the changes in configuration information are recorded. In addition, lines 46-50 of column 2 mention that the automatic upgrade of software is performed by analyzing the version number of software.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahmida Rahman whose telephone number is 571-272-8159. The examiner can normally be reached on Monday through Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.   Status information for published

applications may be obtained from either Private PAIR or Public PAIR.   Status

information for unpublished applications is available through Private PAIR only.   For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Fahmida Rahman
Examiner
Art Unit 2116

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